

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

FILED
RICHARD W. NAGEL
CLERK OF COURT

2021 FEB -3 AM 9:39

IN THE MATTER OF THE SEARCH OF
INFORMATION ASSOCIATED WITH
SUBPOENA IB-21-145679 THAT IS
STORED AT PREMISES CONTROLLED
BY AIRBNB INC

Case No. 2:21-mj-71

Filed Under Seal

U.S. DISTRICT COURT
SOUTHERN DIST. OHIO
EAST. DIV. COLUMBUS

**APPLICATION FOR ORDER COMMANDING AIRBNB INC NOT TO NOTIFY ANY
PERSON OF THE EXISTENCE OF SUBPOENA**

The United States requests that the Court order Airbnb not to notify any person of the existence of the attached subpoena until further order of the Court.

Pursuant to 18 U.S.C. § 2703, the United States obtained the attached subpoena, which requires Airbnb to disclose certain records and information to the United States. This Court has authority under 18 U.S.C. § 2705(b) to issue an order commanding Airbnb to whom a warrant, subpoena, or court order is directed, for such period as the court deems appropriate, not to notify any other person of the existence of the warrant, subpoena, or court order.

In this case, such an order would be appropriate because the attached subpoena relates to an ongoing criminal investigation that is neither public nor known to all of the targets of the investigation, and its disclosure may alert the targets to the ongoing investigation. Accordingly, there is reason to believe that notification of the existence of the attached subpoena will seriously jeopardize the investigation or unduly delay a trial, including by giving targets an opportunity to flee or continue flight from prosecution, destroy or tamper with evidence, change patterns of behavior, intimidate potential witnesses, or endanger the life or physical safety of an individual. *See* 18 U.S.C. § 2705(b).

WHEREFORE, the United States respectfully requests that the Court grant the attached Order directing Airbnb not to disclose the existence or content of the attached subpoena for Ninety (90) days, except that Airbnb may disclose the attached subpoena to an attorney for Airbnb for the purpose of receiving legal advice.

The United States further requests that the Court order that this application and any resulting order be sealed until further order of the Court. As explained above, these documents discuss an ongoing criminal investigation that is neither public nor known to all of the targets of the investigation. Accordingly, there is good cause to seal these documents because their premature disclosure may seriously jeopardize that investigation.

Executed on _____

Respectfully submitted,

DAVID M. DEVILLERS
United States Attorney

s/Kenneth F. Affeldt
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**U.S. DEPARTMENT OF JUSTICE/DRUG ENFORCEMENT ADMINISTRATION
SUBPOENA**

In the matter of the investigation of
Case No: IB-21-0013
Subpoena No. IB-21-145679

TO: Airbnb, Inc
ATTN: Attention - Law Enforcement Investigations Manager
AT: 888 Brannan Street, 4th Floor
San Francisco, CA 94103

Phone: 4159529365

By the service of this subpoena on you by Anthony D Martin who is authorized to serve it, you are hereby commanded and required to appear before Anthony D Martin, an officer of the Drug Enforcement Administration, to give testimony and bring with you and produce for examination the following books, records, and papers at the time and place hereinafter set forth:

Pursuant to an investigation of violations of 21 U.S.C. Section 801 et seq., please provide the following for the dates between 01/02/2021 - 02/01/2021 Eastern (EST)

- All folio information for user ID number 177902491 under the name of Edith Herrera including names, address and telephone number of additional guest(s); automobile license tag information; registration records; and payment records (including credit card or debit card number or other method of payment), and any current and/or historical rentals from 1-1-2020 to 2-3-2021.

Please do not disclose the existence of this request or investigation for an indefinite time period. Any such disclosure could impede the criminal investigation being conducted and interfere with the enforcement of the Controlled Substances Act.

Please direct questions concerning this subpoena and/or responses to SA Anthony D Martin, 571-362-1410. In lieu of personal appearance, please email records to Anthony.D.Martin@usdoj.gov .

Place and time for appearance: At 500 SOUTH FRONT STREET 612 COLUMBUS, OH 43215-7619 US on the 4 day of March 2021 at 05:00 PM. In lieu of personal appearance, please email records to Anthony.D.Martin@usdoj.gov.

Failure to comply with this subpoena will render you liable to proceedings in the district court of the United States to enforce obedience to the requirements of this subpoena, and to punish default or disobedience.

Issued under authority of Sec. 506 of the Comprehensive Drug
Abuse Prevention and Control Act of 1970, Public Law No. 91-513
(21 U.S.C. 876)

ORIGINAL

Signature: _____

Nalen Olsen
Nalen M Olsen
GS

Issued this 2nd day of February 2021
